

## REMARKS

### a. §102 Rejection of Claims 1-3, 12, 15, and 20-22 Over Cohen

Claims 1-3, 12, 15, and 20-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cohen.

Applicants have amended claim 1 to include the features of claim 4, directed to session restore logic. Such subject matter is not disclosed in Cohen and thus the rejection of claims 1-3 and 12 as anticipated by Cohen is moot.

Claim 15 is likewise amended to include the subject matter of claims 16 and 17, which recite in detail a method of using a navigation history log to restore a previous voice command session. Such subject matter is not disclosed in Cohen and thus the rejection of claim 15 and dependent claims 20-22 over Cohen is moot.

### b. §102 Rejection of Claims 24, 25, and 27

The Examiner rejected claims 24, 25, and 27 under 35 U.S.C. § 102(e) as being anticipated by Cohen. Claims 24, 25, and 27 are canceled, rendering the rejection moot.

### c. §103 Rejection of Claims 4-10 and 16-19 Over Cohen/Pugliese

The Examiner rejected claims 4-10 and 16-19 as being obvious over a combination of Cohen and Pugliese.

As the subject matter of claim 4 has been incorporated into claim 1 the following remarks are addressed to claim 1.

Claim 1 recites a voice command platform comprising a user communication

interface for communicating with users via a telecommunications network; a processor; an application-processing module executable by the processor to process voice command applications, the voice command applications having navigation points, and the voice command applications defining user-prompts, allowed grammars and application-logic, wherein the processor processes voice command applications during voice command sessions with users; and a user profile store including a navigation history record respectively for each of a plurality of users, the navigation history record for a given user identifying navigation points of voice command applications that the processor has processed during at least one voice command session with the given user. Claim 1 now recites that the voice command application includes session-restore logic executable by the processor to restore a given voice command session with the given user based on the navigation history record for the given user.

Cohen teaches a method and apparatus for providing active help to a user of a voice-enabled application. Cohen, col. 2 lines 30-31. The voice-enabled application includes maintaining a usage history of the user, monitoring dialog states during the user's session, detecting an event based on the dialog states, checking certain conditions in response to detecting the event, and finally playing an active help prompt containing information on a specific help topic to the user for any applied set of conditions that is satisfied in response to the event. Cohen, col. 3 line 45 through col. 4 line 7. Cohen does not teach session restore logic executable by the processor to restore a given voice command session with a given user based on a navigation history record of the user.

Pugliese is directed to a completely different type of environment. Whereas

Cohen is directed to providing help prompts for a voice-enabled application, Pugliese teaches a communications network wherein a user may access a virtual shopping mall and engage in on-line shopping via a PC or similar computing device with on-line merchants. The system of Pugliese has strong video components to it, including video display of merchandise for the on-line shopper, and interactive video with merchants and sales assistants (see paragraphs 10, 115, 141, 156-176, Figure 3, etc.).

At paragraphs 79-80, the reference describes an events system providing a chronological history of shopper's activities which can be used for rebuilding the shopper's shopping cart in the event the shopper was accidentally disconnected. However, there is no suggestion or motivation to combine this teaching with the Cohen reference.

In particular, Cohen is directed to features for providing help to user of a voice enabled application, e.g., a voice browser (Cohen, col. 1 lines 6-9, line 66 – col. 2 line 7.) Cohen is specifically dealing with a problem of providing active help for a user, i.e., providing instructions relevant to a task immediately at hand. As stated in Cohen:

As described in greater detail below, a voice browser (or other application) may be configured to provide active help to a user. The basic idea behind the techniques described herein is to provide only the instruction relevant to the task immediately at hand, just before the user needs to perform the task. As a result, the amount of new information provided to the user at that time is small and is immediately used, in contrast with some conventional help approaches. Consequently, the information is more likely to be remembered. The pattern of the user's usage in addition to history tracking across sessions dictates when active help prompts are most useful to the caller and, therefore, when they are played. Active help prompts may be played a configurable maximum number of times, so that the user can learn the needed information but is not forced to listen to the information repeatedly. This approach enables users to learn how to use a speech system without having to listen to long instructions or to memorize commands before the user needs to use them.

In one embodiment, the voice browser maintains a usage history of each user. The usage history includes a history of dialog states and includes various user-specific variables, some of which persist across multiple sessions. A "session" is defined herein to be specific to a particular user. The voice browser has access to a number of active help prompts capable of being played to a user as speech, each containing information on a different, specific help topic. Note that as used herein, the term "prompt" does not imply that a response from the user is necessarily being solicited; rather, the term refers to any form of speech presented to the user by a machine during a dialog between the user and the machine. The active help prompts are categorized as either novice active help prompts or expert active help prompts, with each category including subcategories of active help prompts. Each category or subcategory of active help prompts is applied under different types of circumstances. Accordingly, the browser further maintains and applies various sets of conditions, each set of conditions corresponding to a different active help prompt. The prompts within each category or subcategory generally have one or more conditions in common, to determine when the prompts get played. The voice browser monitors dialog states during a session and detects events based on the dialog states. The voice browser checks certain conditions using certain user-specific variables in response to detecting an event. The voice browser then plays an active help prompt containing information on a specific help topic to the user for any applied set of conditions that is satisfied in response to the event.

Cohen, col. 3 line 26- col. 4 line 7.

As is apparent from this discussion, Cohen is not concerned with restoration of a session in the event of a disconnection. Rather, Cohen uses a navigation history in order to tailor help prompts, as explained in Figure 5 and at cols. 9 and 10. The use of navigation history to tailor help prompts, as explained in Cohen, has nothing to do with restoration of a session. Nor does it have anything to do with on-line shopping carts or restoration of an on-line shopping cart in the event of a disconnection. Consequently, there is no motivation or suggestion to modify the teachings of Cohen to use Pugliese's techniques for restoration of a shopping cart. Any such assertion of such motivation is sheer hindsight, which has no place in the application of 35 U.S.C. § 103.

Accordingly, applicants submit that the rejection of claim 4 (now claim 1) and claims dependent therefrom as obvious over Cohen and Pugliese is improper.

As to claims 16-19, claim 15 has been amended to include the subject matter of claim 16 and 17 and so the rejection is treated as applying to claim 15. Claim 15 recites a method in a voice command platform including the steps of using the navigation history log to restore a previous voice command session with the user; and wherein using the navigation history log to restore a previous voice command session with the user comprises: determining that a system disconnect occurred from the previous voice command session; identifying, based on the navigation history log, a given navigation point of a given voice command application that the platform was executing at the time the system disconnect occurred; loading the given voice command application from the given navigation point; and executing the given voice command application.

Cohen does not describe any method of using a navigation history log to restore a previous voice command session. Nor is there any motivation to revise Cohen to have such feature in view of Pugliese because Cohen's focus is providing help prompts to users of a voice command application. The concept of using a navigation history to tailor help prompts as taught in Cohen has no necessity or motivation for using Pugliese's teaching of re-constituting a virtual shopping cart in the event of a disconnect. When the Examiner combines the teaching of Pugliese with Cohen, the Examiner is simply mixing apples and oranges in an improper attempt to reconstruct claim 15 using hindsight. Accordingly, the rejection of claim 15, 18 and 19 as obvious over Cohen and Pugliese should be withdrawn.

**d. 103(a) Rejection of Claims 11, 13, 14, 23, 26 and 28-35**

The Examiner rejected claims 11, 13, 14, 23, 26 and 28-35 as being obvious over Cohen.

Claims 11, 13 and 14 ultimately depend from claim 1 and thus incorporates the limitations of claim 1. For the reasons set out above, Applicant submits that Cohen fails to teach or suggest the session restore feature of claim 1, as amended. Therefore, Cohen does not render obvious the dependent claims 11, 13 and 14.

Claim 23 depends from claim 15 and thus incorporates the limitations of claim 15. For the reasons set out above, Applicant submits that Cohen fails to teach the limitations of claim 15. Therefore, Cohen fails to teach the limitations of claim 23.

Claim 26 has been canceled, rendering the rejection moot.

Claim 28 has been revised to recite a method comprising, in part:

automatically setting the use-mode record to indicate, per navigation point, whether the user is an expert-user or a standard-user of the at least one voice-tag application, based on the navigation-history record;

automatically setting the use-mode record to indicate that, for all applications, the user is an expert-user in the event that the user is globally designated as an expert user for all applications that the voice command platform executes. . .

First, the Examiner has admitted that Cohen does not teach automatically determining whether the user is an expert from a use-mode record of the at least one voice-tag application. (See section 29 of the office action). Second, Cohen's method for determining whether to use an expert-level prompt is different from Applicant's method. Furthermore, Cohen does not teach or suggest setting a use-mode record to indicate that *for all applications the use is an expert user in the event the user is globally designated*

*as an expert user.*

As noted in the Specification at page 40, the processor can be programmed to review a user's navigation history and to automatically transition a user to a particular mode after the user has accessed a particular navigation point more than a threshold number of times, or after the user has accessed both the application a certain number of times and at least a certain number of second level navigation points in the application. The processor does not have to determine certain conditions before transitioning a user to a particular mode. Furthermore, as stated at page 39 lines 5-7, the system may include a feature wherein a user can be globally designated as an expert mode user.

In contrast, the system in Cohen requires that every time a user operates the voice-command system, a series of events must first be determined before a user is designated an expert user or a standard user. Cohen contains no teaching or suggestion of *a global expert mode* as claimed in claim 28, and instead goes through a detailed procedure at each navigation point to determine whether to invoke a novice or expert active prompt. See Cohen, cols. 10 and 11 and the Table set forth at cols. 9-13, Figure 5.

Consequently, the Applicant respectfully submits that claim 28 and all claims dependent therefrom are not obvious in light of Cohen.

**e. §103(a) Rejection of Claims 30 and 34**

The Examiner rejected claims 30 and 34 as being obvious over a combination of Cohen and Surace.

Claims 30 and 34 ultimately depend from claim 28 and thus incorporate the

limitations of claim 28. For the reasons set out above, Applicant submits that Cohen fails to teach the limitations of claim 28. Surace teaches a voice user interface with both expert and novice prompts where the length of the prompt depends on the user's expertise. Surace does not, however, teach a method that determines whether a user is automatically flagged as an expert, either for certain navigation points or concerning the voice command system as a whole. At most, Surace mentions as col. 9 that expert rules control the length of prompts based on the user's current session and based on the user's experience across sessions. However, that teaching does not amount to a teaching of "automatically setting the use-mode record to indicate that, for all applications, the user is an expert user in the event that the user is globally designated as an expert user for all applications that the voice command platform executes", as claimed in claim 28. Applicant's representative can find no such teaching in either Cohen or Surace. Consequently, the Applicant respectfully submits that claims 30 and 34 are not obvious over a combination of Cohen and Surace.

### 3. Conclusion

The claims in their current form recite patentable subject matter over the art cited by the Examiner for the reasons stated. The Examiner is requested to withdraw the rejections and pass the case on to issuance. Favorable action to that end is requested.

Respectfully submitted.

McDonnell Boehnen Hulbert & Berghoff LLP

Date:

10/20/05

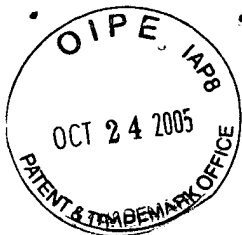
By:

Thomas A. Fairhall

Thomas A. Fairhall

Reg. No. 34591





### CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing AMENDMENT AND RESPONSE TO MAY 23, 2005 OFFICE ACTION is being deposited as first class mail, postage prepaid, in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 20 th day of October, 2005.

  
Thomas A. Fairhall